

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**CASE NO. 5:21-cr-1-JA-PRL**

**DUSTIN SHANE SANDIFORD**

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**ORDER**

This case is before the Court on the Motion to Suppress (Doc. 37) and Amended Motion to Suppress (Doc. 40) filed by Defendant Dustin Shane Sandiford. The assigned United States Magistrate issued a Report (Doc. 46) recommending that the motions be denied. Defendant has filed Objections (Doc. 51) to the Report, to which the Government has filed a Response in Opposition (Doc. 68).

The Court has reviewed the record and has considered de novo those portions of the Report to which Defendant has objected. See 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”); Fed. R. Crim. P. 59(b)(3) (“The district judge must

consider de novo any objection to the magistrate judge's recommendation.”). Defendant's Objections are overruled.

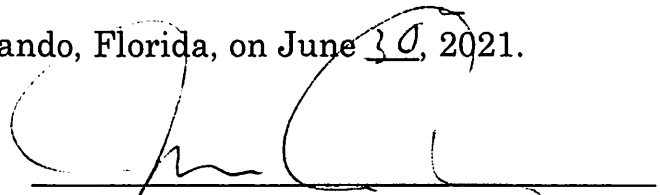
The magistrate judge correctly concluded that the search warrant allowed for seizure and search of the particular cell phone that was searched and seized—“a cellular telephone assigned the unique call number of (352) 364-1308, in the possession of Dustin Sandiford.” (Doc. 39-1 at 28). He also correctly rejected Defendant's unsupported contention that a separate warrant was needed to search Defendant's Mega account, which was accessed through the phone. Defendant's objections regarding a “pat down search” are without merit both because the magistrate judge credited the agents' version of events—under which no pat down search occurred—and because the warrant allowed for seizure of the cell phone in any event. Defendant's objections regarding the uniqueness of a cell phone's number and the particularity and sufficiency of the warrant also fall short. The warrant adequately described the cell phone and allowed for search of the Mega account.

Accordingly, it is **ORDERED** as follows:

1. The Report and Recommendation of the United States Magistrate Judge (Doc. 46) is **ACCEPTED, AFFIRMED, ADOPTED**, and made a part of this Order.
2. Defendant's Motion to Suppress (Doc. 37) and Amended Motion to

Suppress (Doc. 40) are **DENIED**.

**DONE** and **ORDERED** in Orlando, Florida, on June 30, 2021.



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JOHN ANTOON II  
UNITED STATES DISTRICT JUDGE

Copies to:  
U.S. Magistrate Judge  
United States Attorney  
Counsel for Defendant  
Dustin Shane Sandiford